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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re:

Case No. 23-11977

Mark Haynes

Chapter 13

Chapter 13 Debtor

Hon. Philip Bentley

-----X
ORDER DENYING MOTION FOR RELIEF FROM STAY

THIS MATTER, having been opened to the Court on the motion of the creditor Fifth and 106th Street Associates, LP, seeking relief from the automatic stay to recover certain rental premises and to continue to prosecute a claim for monetary relief either in the New York Supreme Court for the County of New York or in the Civil Court of the City of New York, Housing Part, and the Court having reviewed the papers in support and in opposition to the motion and having heard the arguments of counsel at a hearing on March 7, 2024, and for good cause shown;

IT IS HEREBY ORDERED AS FOLLOWS

1. That portion of the motion for relief from the automatic stay which seeks such relief to recover rental premises is denied as moot;
2. The remaining portion of the motion which seeks relief from the Automatic Stay so that the Creditor may seek to further prosecute its claim for monetary damages in the New York State Courts is denied on the merits for the reasons set forth on the record;

**Dated: March 8, 2024
New York, New York**



/s/ Philip Bentley

**Hon. Philip Bentley
U.S. Bankruptcy Judge**